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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,135	08/29/2001	Rob Janssen	FR920010009US1	6566
7590 10/04/2004				
MYERS BIGEL SIBLEY AND SAJOVEE PA		EXAMINER		
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RALEIGH, NC 27627				
		ART UNIT	PAPER NUMBER	
		2127		

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/942,135

Applicant(s)

JANSSEN ET AL.

Examiner

Kenneth Tang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/3/04, 5/27/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-12 are presented for examination.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention:

- a. In claim 1, “first input queue”, “second input queue”, “first output queue”, and “second output queue” is indefinite because it is not made explicitly clear if the “first input queue” corresponds to the “first output queue” and if the “second input queue” corresponds to the “second output queue”. It is also unclear how the “first queue group” relates with the “second queue group”.
- b. In claim 1, “processing task” (line 17) is indefinite because it is not made explicitly clear in the claim language what the task is doing or performing.
- c. In claim 1, “determining a first number of messages...” is indefinite because it is not made explicitly clear in the claim language who or what is doing the determining.
- d. In claim 1, “determining activation status” is indefinite because it is not made explicitly clear in the claim language who or what is doing the determining.

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e. In claim 1, “up-stream and down-stream software applications” is indefinite because it is not made explicitly clear in the claim language what these software applications are.

f. In claim 4, “error-log queue” is indefinite because it is not made clear in the claim language where this is coming from. For example, it is unclear whether this belongs to the first queue group or the second queue group and it is unclear how this queue differs with the other queues.

g. In claim 9, “reply queue” is indefinite because it is not made clear in the claim language where this is coming from. For example, it is unclear whether this belongs to the first queue group or the second queue group and it is unclear how this queue differs with the other queues.

3. Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are:

a. In claim 1, there is no established structural relationship with “monitoring” (line 1) to anything else in the claim.

b. In claim 1, there is no established structural relationship with “up-stream and down-stream software applications” (lines 1-2) to anything else in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 3-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cyr et al. (hereinafter Cyr) (US 2003/0225923 A1) in view of Berggreen (US 2003/0016685 A1).

3. As to claim 1, Cyr teaches a computer implemented method for monitoring up-stream and down-stream software applications in a message queuing transmission system with least one processing task running, method comprising the steps of:

forming (constructing) a first queue group by assigning an input queue group identifier to a first input queue and to a second input queue within a message queuing transmission system (*page 4, [0048], pages 2-3, [0029]-[0030]*);

forming (constructing) a second queue group by assigning an output queue group identifier to a first output queue and to a second output queue within the message queuing transmission system (*page 4, [0048], pages 2-3, [0029]-[0030]*);

assigning a first queue identifier the first input queue, a second queue identifier to the second input queue, a third queue identifier to the first output queue, and a fourth queue identifier to the second output queue (*page 4, [0048], pages 2-3, [0029]-[0030]*);

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assigning a task identifier to a processing task within the message queuing transmission system (*page 2, [0025], [0030]*);

determining activation status of the processing task (*page 3, [0035]*); and

gathering and save the queues and activation status of the processing task (*page 4, [0048], Fig. 2*);

4. Cyr fails to explicitly teach determining the number of messages in the queues.

However, Berggreen teaches message processing in which the number of messages in queues are determined so that they could be compared to for operating decisions (*page 4, [0039]*). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the feature of determining the number of messages in the queues because it would increase the operating control of the system by being able to make operating decisions based on the number of messages in the queues (*page 4, [0039]*).

5. As to claim 3, Cyr teaches presenting contents of the task monitor storage area on a display screen (*page 3, [0039]*).

6. As to claim 4, Cyr teaches writing an error message from the processing task to an error-log queue (*page 4, [0048], page 3, [0037]*).

7. As to claim 5, Cyr in view of Berggreen fails to explicitly teach presenting the error message on a display screen. However, "Official Notice" is taken that both the concept and advantages of providing that presenting the error message on a display screen is well known and

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expected in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include presenting the error message on a display screen to the existing system because it would allow the user to see when there exists an error.

8. As to claim 6, Cyr in view of Berggreen teaches wherein the first queue identifier, the second queue the third queue identifier, and the fourth queue identifier are each different. However, "Official Notice" is taken that both the concept and advantages of providing that the first queue identifier, the second queue the third queue identifier, and the fourth queue identifier are each different is well known and expected in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the first queue identifier, the second queue the third queue identifier, and the fourth queue identifier are each different to the existing system because if the identifiers were the same, then would all be in the same queue, but they're instead, all in different queues. The purpose of an identifier is to provide unique identification.

9. As to claim 7, Cyr in view of Berggreen fails to explicitly teach wherein the processing task is a background task. However, "Official Notice" is taken that both the concept and advantages of providing that the processing task is a background task is well known and expected in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the processing task is a background task to the existing system because incorporating background tasks when a user is found to be absent, for example, will optimize task scheduling.

10. As to claim 8, Cyr in view of Berggreen teaches storing the task identifier; storing the first queue group identifier; and storing the first queue identifier, the second identifier, the third queue identifier, and the fourth queue identifier but fails to explicitly teach storing these in data tables. However, "Official Notice" is taken that both the concept and advantages of providing that storing data in data tables is well known and expected in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include storing data in data tables to the existing because this increases the organization of the system by having a structure to hold and access the data.

11. **Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cyr et al. (hereinafter Cyr) (US 2003/0225923 A1) in view of Berggreen (US 2003/0016685 A1), and further in view of Takahashi et al. (hereinafter Takahashi) (US 2002/0035620 A1).**

12. As to claim 2, Cyr in view of Berggreen teaches repeating the steps of determining and the step of gathering according refresh time interval of a refresh counter. However, Takahashi teaches determining and gathering according to a refresh time interval of a refresh counter (*page 24, [0329]*). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the feature of determining and gathering according to a refresh time interval of a refresh counter to the existing system because it improves task scheduling by being able to manage time interval periods (*page 24, [0329]*).

13. **Claims 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cyr et al. (hereinafter Cyr) (US 2003/0225923 A1) in view of Berggreen (US 2003/0016685 A1), and further in view of Cain et al. (hereinafter Cain) (US 6,757,289 B1).**

14. As to claim 9, it is rejected for the same reasons as stated in the rejection of claim 1. However, Cyr in view of Berggreen fails to explicitly teach having reply messages that are generated by down-stream software applications. Cain teaches message communications including reply messages that have down-stream software applications such as drivers that aids in the communication (*col. 9, lines 35-61*). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the feature of having reply messages that are generated by down-stream software applications to the existing system because this increases communication abilities (*col. 9, lines 35-61, col. 1, lines 60-67*).

15. As to claim 10, Cain teaches wherein the reply message is taken from the reply queue and processed by a reply task (*col. 9, lines 35-61*).

16. As to claim 11, Cain teaches computing a time interval between writing the outgoing message to an output queue the message queuing transmission system and writing the reply message to the reply queue (*col. 7, lines 29-48*).

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17. As to claim 12, Cain teaches comparing said time interval with a predetermined time control interval (*col. 7, lines 29-48*).

Conclusion

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Tang whose telephone number is (571) 272-3772. The examiner can normally be reached on 8:30AM - 6:00PM, Every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kt
9/25/04


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